

Serial No.: 09/542,205
Inventor(s): De Mott et al.

U.S. PTO Customer No. 25280
Case No.: 2172

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: De Mott et al.
Serial Number: 09/542,205
Filed: April 4, 2000
For: **Pile Fabric Having Conditioned Pile Ends**
Group Art Unit: 1771
Examiner: Juska, Cheryl Ann

#10
KWO
3-2803
RECEIVED
MAR 25 2003
TC 1700

Commissioner for Patents
Washington, D. C. 20231

Sir:

Certificate of Express Mailing Under 37 CFR §1.10

I hereby certify that this correspondence, and all correspondence referenced herein is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with a Mailing Label Number listed below in an envelope addressed to "Commissioner for Patents, Washington, D.C. 20231" with sufficient postage on the date listed below:

Express Mail Label No.: EV229672175US

Date: March 18, 2003

Name: Kerry A. Lawter

Signature: Kerry A. Lawter

Certification - Express Mail - 1.10 JB030116

RESPONSE TO OFFICE ACTION

In response to the Office Action dated September 18, 2003, Applicant submits the following Amendments and Remarks.

REMARKS

The above-referenced Office Action included the following rejections, objections, and comments:

1. Claims 3 and 4 were rejected under 35 USC 102(b) and 35 USC 103(a).
2. Claims 1, 2, and 5 were rejected under 35 USC 103(a).

In response to these rejections, objections, and comments, and in view of the above Amendments, Applicant provides the following Remarks:

1. Rejection of Claims 3 and 4 Under 35 USC 102(b) and 35 USC 103(a)

Claims 3 and 4 were rejected under 35 USC 102(b) as being anticipated by, or in the alternative, under 35 USC 103(a) as being obvious over EP 784 114, issued to Huth et al. (hereinafter "Huth").

Applicants respectfully submit that a prima facie case of anticipation or obviousness has not been established, and the burden of proof has been impermissibly shifted to Applicants under *In re Fitzgerald*, 619 F.2d 67, 205 USPQ 594 (CCPA 1980)